

**ORDINANCE 10-01**

**AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO  
TEXT OF PLANNED UNIT DEVELOPMENT, BRIDGEWATER CLUB BEING THAT  
OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17 AND TITLE 16 -  
LAND USE CONTROLS**

**WHEREAS**, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (docket 1001-PUD-02) filed with the Commission to grant various amendments to Ordinance 06-49, approved by the Town Council on October 9, 2006, and amended by Ordinance 08-05 by the City Council on February 11, 2008 and Ordinance 09-17 on September 14, 2009 that rezoned real estate, as described in Exhibit "A" attached hereto and incorporated herein, now commonly known as "The Bridgewater Club"; and

**WHEREAS**, the Commission did take action to forward the request to the Westfield City Council with a unanimous positive recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the City Council on January 20, 2010; and

**WHEREAS**, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL  
THAT ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17 AND TITLE 16 OF  
THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

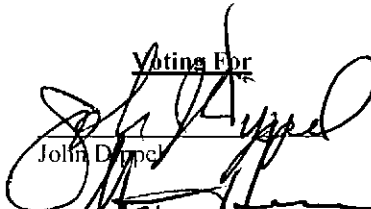
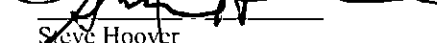
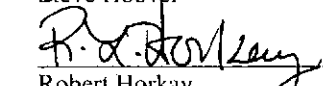
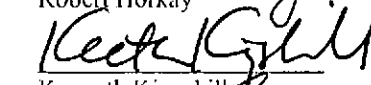
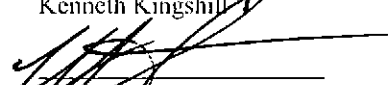


**SECTION 1.** The document as referenced by Ordinance 06-49 described as "The Bridgewater Club Restated and Consolidated Planned Unit Development District", Ordinance 08-05 and Ordinance 09-17 (collectively, the "Bridgewater PUD Ordinance") are amended, as described in Exhibit "B" attached hereto and incorporated herein.

In all other respects, the Bridgewater PUD Ordinance shall remain unchanged.

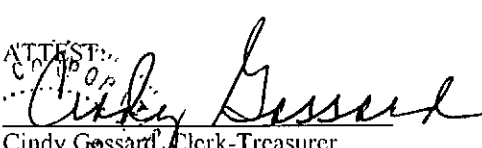
**SECTION 2.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS 8<sup>th</sup> DAY OF February, 2010.

**WESTFIELD CITY COUNCIL  
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
 John Dippel	_____ John Dippel	_____ John Dippel
 Steve Hoover	_____ Steve Hoover	_____ Steve Hoover
 Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
 Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
 Bob Smith	_____ Bob Smith	_____ Bob Smith
 Tom Smith	_____ Tom Smith	_____ Tom Smith
 Rob Stokes	_____ Rob Stokes	_____ Rob Stokes

ATTEST:

  
Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Kevin M. Todd

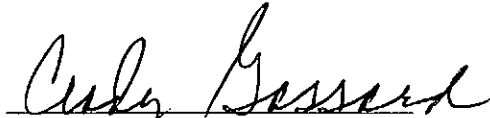
Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield  
2728 East 171<sup>st</sup> Street, Westfield, IN 46074, (317) 804-3170.

"I affirm, under the penalties of perjury,  
that I have taken reasonable care to redact  
each Social Security Number in this  
document, unless required by law"

Signed 

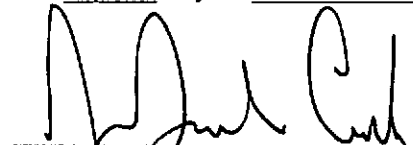
I hereby certify that ORDINANCE 10-01 was delivered to the Mayor of Westfield

on the 9 day of Feb, 2010, at 250 pm.

  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-01

this 10 day of Feb., 2010.

  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 10-01

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
J. Andrew Cook, Mayor

### Exhibit A

Part of the Southwest Quarter and the Southeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 17; thence along the North line of said Southwest Quarter, North 89 degrees 46 minutes 23 seconds East 2645.42 feet to the Northeast corner of said Southwest Quarter; thence North 89 degrees 52 minutes 47 seconds East along the North line of said Southeast Quarter 469.00 feet to the Northwest corner of land described in Instrument No. 200300063205, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 56 minutes 37 seconds East along the West line of said described land 256.00 feet to the Southwest corner thereof; thence North 89 degrees 52 minutes 47 seconds East along the South line of said described land and the Easterly extension thereof 332.36 feet to the West line of 16 acres off the East side of the Northwest Quarter of the Southeast Quarter of said Section 17 as described in Instrument No. 200500073814, recorded in said Recorder's Office; thence South 00 degrees 51 minutes 28 seconds East along said West line 407.09 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 800.75 feet to the East line of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, the Northerly extension of the Western line of Setters Run - Section 2 as described in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana, and said Western line, South 00 degrees 56 minutes 37 seconds East 340.87 feet to the Easterly extension of the North line of the land described in Setters Run - Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (Plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the Point of Beginning, containing 101.255 acres, more or less.

Subject to all easements, rights of way and restrictions of record.

The North Half of Section 17, part of the South Half of Section 17, part of the South Half of Section 8, and part of the Northwest Quarter of Section 8, all in Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 58 minutes 50 seconds West (assumed bearing) along the West line of said Northwest Quarter 2655.78 feet to the Southwest corner of the Southwest Quarter of said Section 8; thence North 01 degrees 06 minutes 34 seconds West along the West line of said Southwest Quarter Section 2644.77 feet to the Southwest corner of the Northwest Quarter of said Section 8; thence North 00 degrees 59 minutes 45 seconds West along the West line of said Northwest Quarter 478.67 feet to the North line of land described in Instrument No. 87-26248, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 51 minutes 13 seconds East along said North line 1328.34 feet to the East line of the West Half of said Northwest Quarter; thence South 00 degrees 56 minutes 12 seconds East along said East line 475.30 feet to the North line of the Southwest Quarter of said Section 8; thence South 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter 1327.79 feet to the Northwest corner of the Southeast Quarter of said Section 8; thence North 89 degrees 54 minutes 45 seconds East along the North line of said Southeast Quarter 634.93 feet to the Northwest corner of land described in Instrument No. 89-17726, recorded in said Recorder's Office; thence South 01 degrees 43 minutes 25 seconds East along the East line of said described land 810.63 feet to the North line of land described as Parcel 2 in Instrument No. 99-42295, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along said North line and parallel with the North line of said Southeast Quarter 680.00 feet to the West line of the East Half of the Southeast Quarter of said Section 8; thence South 00 degrees 58 minutes 30 seconds East along said West line 369.44 feet to the Northwest corner of land described in Instrument No. 96-26426, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along the North line of said described land and parallel with the North line of the Southeast Quarter of said Section 8 a distance of 1325.26 feet to the East line of said Southeast Quarter; thence South 00 degrees 57 minutes 45 seconds East along said East line 1462.26 feet to the Northeast corner of the Northeast Quarter of said Section 17; thence South 01 degrees 00 minutes 50 seconds East along the East line of said Northeast Quarter Section 2646.29 feet to the Southeast corner thereof; thence South 00 degrees 46 minutes 18 seconds East along the East line of the Southeast Quarter of said Section 17 a distance of 2056.39 feet to the Northeast corner of land described in Instrument No. 200000012365, recorded in the Office of the Recorder of Hamilton County, Indiana (the following 5 courses are along the North and Western boundary of said described land); 1) thence South 89 degrees 13 minutes 42 seconds West 16.50 feet; 2) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 79.10 feet; 3) thence South 89 degrees 14 minutes 50 seconds West 9.71 feet; 4) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 114.83 feet; 5) thence South 07 degrees 24 minutes 15 seconds West 99.43 feet to the Northeasterly extension of the Western boundary of land described in Instrument No. 200000012364, recorded in said Recorder's Office;

thence South 20 degrees 18 minutes 14 seconds West along said Western boundary, said Northeasterly extension, and the Western boundary of said Instrument No. 200000012364 a distance of 70.33 feet (the following four courses are along the Western boundary of said Instrument No. 200000012364); 1) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 124.67 feet; 2) thence South 31 degrees 07 minutes 37 seconds West 45.53 feet; 3) thence South 83 degrees 58 minutes 19 seconds West 296.75 feet; 4) thence South 89 degrees 40 minutes 57 seconds West parallel with the South line of said Southeast Quarter 276.74 feet to the West line of the East Half of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 48 minutes 53 seconds West along said West line 1287.07 feet to the Northwest corner of the East Half of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 46 minutes 53 seconds West along the North line of the South Half of said Southeast Quarter 1189.07 feet; thence North 00 degrees 51 minutes 28 seconds West parallel with the West line of the East Half of said Southeast Quarter 662.13 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 800.75 feet to the East line of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, the Northerly extension of the Western line of Setters Run - Section 2 as described in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana, and said Western line, South 00 degrees 56 minutes 37 seconds East 340.87 feet to the Easterly extension of the North line of the land described in Setters Run - Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (Plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the POINT OF BEGINNING, containing 788.349 acres, more or less.

**Exhibit B**  
**BRIDGEWATER PUD AMENDMENT**

The proposed amendments to the Bridgewater PUD below shall apply only to the real estate described in Exhibit 1 of this Ordinance (the "Real Estate").

**SECTION 10, G, 7, b**

**Existing Standard**

One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4.

**Amendment**

1. One single tenant or owner of occupied space, with any use permitted in Area Y, may be permitted up to forty-five thousand (45,000) square feet in Parcel M4; and
2. In addition, one single tenant or owner of an occupied space, with an assisted living use, may be permitted up to sixty-five thousand (65,000) square feet within the Real Estate.

**EXHIBIT 17, Parcel M4, E**

**Existing Standard**

All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings.

**Amendment**

1. All trash dumpsters shall have a brick exterior and a roof, and shall be either connected to the primary building or located between buildings; or
2. All trash dumpster shall have a brick exterior and a roof, and shall be screened from view on the eastern side by a landscaped berm.

## **Exhibit 1**

### **Surveyed Boundary Description**

(Area to be cut from a tract of land owned by Throgmartin-Henke Development, LLP recorded in Deed Document 200500085073)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 734.99 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 593.37 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter of said Section 17; thence along the north line of said Quarter Quarter Section, North 89 degrees 44 minutes 05 seconds East 663.06 feet to a point on the extended west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of the Recorder of Hamilton County, Indiana; thence along the extended west line and the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 632.91 feet; thence South 89 degrees 41 minutes 49 seconds West 410.19 feet; thence North 00 degrees 54 minutes 56 seconds West 40.00 feet; thence South 89 degrees 41 minutes 49 seconds West 250.13 feet to the point of beginning and containing a gross area of 9.388 acres.

Also, rights to a 40-foot wide Ingress and Egress Easement which is part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 694.99 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 40.00 feet; thence North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence South 89 degrees 41 minutes 49 seconds West 250.13 feet to the point of beginning.

Also, rights to an Ingress and Egress Easement which is part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds



West 1397.07 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 58.37 feet; thence North 89 degrees 05 minutes 17 seconds East 16.50 feet to the beginning of a non-tangent curve to the left having a central angle of 53 degrees 03 minutes 26 seconds, a radius of 23.00 feet and a chord dimension of South 63 degrees 46 minutes 28 seconds East 20.55 feet; thence along the arc of said curve 21.30 feet; thence North 89 degrees 41 minutes 49 seconds East 159.54 feet to the beginning of a curve to the right having a central angle of 89 degrees 38 minutes 23 seconds, a radius of 72.00 feet and a chord dimension of South 45 degrees 29 minutes 00 seconds East 101.50 feet; thence along the arc of said curve 112.64 feet; thence South 00 degrees 39 minutes 48 seconds East 46.70 feet to a point on the North Line of the Southwest Quarter of the Southwest Quarter of said Section 17; thence along the north line of said Quarter Quarter Section, South 89 degrees 44 minutes 05 seconds West 40.00 feet; thence North 00 degrees 39 minutes 48 seconds West 46.42 feet to the beginning of a curve to the left having a central angle of 89 degrees 38 minutes 23 seconds, a radius of 32.00 feet and a chord dimension of North 45 degrees 29 minutes 00 seconds West 45.11 feet; thence along the arc of said curve 50.06 feet; thence South 89 degrees 41 minutes 49 seconds West 158.90 feet to the beginning of a curve to the left having a central angle of 53 degrees 06 minutes 40 seconds, a radius of 23.00 feet and a chord dimension of South 63 degrees 08 minutes 29 seconds West 20.57 feet; thence along the arc of said curve 21.32 feet; thence South 89 degrees 05 minutes 17 seconds West 16.50 feet to the point of beginning.

The subject property and both easements are subject to the right-of-way for Carey Road along their west sides.

Also, subject to all other easements, rights-of-ways, restrictions and covenants of record.